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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: M. Amdahl

Serial No.: 09/975,853

Filed: October 12, 2001

Title: A METHOD OF DETERMINING
THE INITIAL DOSE OF VITAMIN D
COMPOUNDS

Case No.: 6741.US.01

Group Art No.: (not yet assigned)

Examiner: (not yet assigned)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the:

Office of Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231, on:

Date of Deposit: February 5, 2002

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OFFICE OF PETITIONS

PETITION PURSUANT TO 37 CFR 1.53(e)
TO ACCORD A FILING DATE TO A NONPROVISIONAL APPLICATION

Dear Sirs:

Applicant hereby petitions for review of the decision to NOT grant a filing date of 12 October 2001 to the above-identified application. A copy of the "Notice of Incomplete Nonprovisional Application" mailed 11/15/2001 is enclosed.

It was noted by the Office that the application was filed without drawings. However, Applicant asserts that the drawings are NOT "necessary for the understanding of the subject matter sought to be patented." 35 U.S.C 113. The drawings of the present application were inadvertently omitted upon filing. A copy of the drawings (informal) are included with this petition.

As can be seen by reference to the specification, Figure 1 shows an observed dose versus baseline PTH (dashed line) and the predicted dose versus the baseline PTH (solid line). Figure 2 shows the difference in the observed dose and the predicted dose versus baseline PTH. Brief Description of the Drawings, page 4, lines 6-9. Furthermore, in Example 1, pages 8-9, regression analysis of historical patient data was used to generate a model for determination of initial dose. The resulting model equation was "initial dose=baseline PTH/80". The slope of the line predicted by the model was then compared to the actual data. Figures 1 and 2 are merely representations of the resulting comparison and are not critical to understand the invention.

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Adjustment date: 05/21/2002 AKELLEY
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Because Figures 1 and 2 are not necessary for the understanding of the subject matter sought to be patented, the above application should be accorded a filing date of 12 October 2001.

The Commissioner is hereby authorized to charge the required Petition fee under 37 CFR 1.17(h) of \$130.00 to Deposit Account No. 01-0025. Applicant respectfully request that upon grant of the Petition, the fee be refunded. Also enclosed is a copy of the Request for One-month extension of time, sent February 5, 2002, under separate cover with the Executed Declaration to the Office of Missing Parts. A duplicate copy of this sheet is enclosed.



23492

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Respectfully submitted,
M. Amdahl

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Attorney for Applicants

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UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 5/15/02 2 Serial/Patent # 09/975,853

3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
Filing			\$
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Notice of Appeal/Appeal			\$
X Petition	4	2/26/02	\$ 130.00
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7 TOTAL AMOUNT OF REFUND \$ 130.00

8 TO BE REFUNDED BY:

10 REASON:	Treasury Check
Overpayment	X Credit Deposit A/C #:
Duplicate Payment	9 <u>01--0025</u>
X No Fee Due (Explanation):	

Office mistake. App has method claims, no drawings required

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: E. Shirene Willis

TITLE: Petitions Atty

SIGNATURE: E. Shirene Willis

PHONE: 308-6712

OFFICE: Office of Petitions

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APPROVED: Alicia Kelly

DATE:

5-21-02

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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